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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,626	10/29/2003	Bala Ramachandran	03SKY0003	5553

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EXAMINER

WONG, LINDA

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/696,626

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Linda Wong

Art Unit

2634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Due to the new amendments added in the response received 9/26/2005, the examiner indicated in the office action mailed 12/28/2005 the new limitations could not be found by the examiner in the specification, thus requested clarification as to the location in which the limitation is described.

To clarify the examiner's reasons for 35 USC 112 rejection as stated in the office action mailed 12/28/2005, the examiner interprets the new limitations "...processing the first baseband signal and the second baseband signal comprises selectively filtering and selectively DC-offset correcting the first and second baseband signal" as the processing the baseband components comprises an selective or optional filter and DC offset correcting. The baseband component would either filter and/or DC offset correct or not perform one or both of these functionalities. Based on the specification, the applicant discloses switchable modes, such as switching between DBS, CDMA, etc (paragraph 0017, lines 6-10), and adjustable or switchable bandwidths for DC correcting and filtering. (paragraph 0022) The bandwidths of the dc offset and filtering are controlled by "the control signals from the baseband subsystem (Fig. 1, label 130) to achieve the desired frequency response for the particular mode being implemented (eg. CDMA, PCS, GPS, DBS)." Since the filters and DC offset corrections are adjusted to match the frequency of the different modes, the filters and DC offset corrections are continuously filtering and DC offset correcting and would not provide an optional filtering and dc offset as interpreted by the examiner. As explained by the applicant in the arguments received 2/15/2006, the applicant is allowed to claim the invention in the broadest sense of the terminology. Due to the examiner's interpretation, the examiner requested clarification to the limitations broadly recited to clarify the applicant's reference and association to the recited limitations and their invention. In the applicant's arguments received 2/15/2006, the applicant responded to the office action mailed 12/28/2005 with the definition of "selectively" and Section 2111 of the MPEP for proper interpretation of the claims, (page 10-11) but without indication as to the location, page and paragraph, in the specification where the limitations are further in enabled. Due to the response and further review of the specification, the examiner cannot find such limitations within the specification. The examiner retains the rejection as filed in the office action mailed 12/28/2005.

In regards to the rejections as filed in the office action mailed 12/28/2005, the examiner rejected to claim 1 using a 35 USC 102 or 35 USC 103 rejection. Regarding the 35 USC 103 rejection as to incorporating an optional filtering and DC offset correcting the baseband components, to clarify the motivation of the objection, it would be obvious to one skilled in the art to provide optional, in terms of either performing the functionalities or not, based on design choice. It would be obvious to one skilled in the art to filter and DC offset correct to eliminate unwanted noise within the baseband signal and reduce or eliminate DC offset larger than the noise.



DAC HA
PRIMARY EXAMINER